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Crl.O.P.No.32374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.12.2024

CORAM

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI
Crl.O.P.No.32374 of 2024

Charlie @ Prince Charles

... Petitioner

Vs

State by Inspector of Police,
Mamallapuram PEW Police station,
Chengalpattu district.
[Cr. No. 761 of 2024]

... Respondent

For Petitioner : Mr.O.G.Dhilip Roshan

For Respondent : Mr.R.Vinothraja

Government Advocate (Crl.Side)

PRAYER: The Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 praying to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.761 of 2024 on the file of Inspector of Police, Mamallapuram PEW Police station, Chengalpattu district.

ORDER

The petitioner, apprehends arrest for the alleged offences under Sections 4(1)(B) r/w 5-A of Tamil Nadu Prohibition (Amendment) Act, 2024, in Crime No.761 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that on 07.12.2024 when the defacto complainant/ respondent police were on regular patrol duty and inspected a petitioner's restaurant and found that the petitioner was in illegal possession of 650ml of British Empire Beer bottles(16). Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would also submit that he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner was found to be in possession of 650ml of British Empire Brandy. He would also submits that there is no previous case as against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.



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5.Considering the facts and circumstances of the case and also the submissions made by the learned counsels on either side, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the **Judicial Magistrate Tirukazhukundram** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)**, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report **before the respondent police on everyday at 10.30 A.M. for a period of 30 days and thereafter as and when required for interrogation;**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.



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[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*.

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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L.VICTORIA GOWRI J.

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